

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

**WSOU INVESTEMENTS, LLD D/B/A
BRAZOS LICENSING AND
DEVELOPMENT,**

Plaintiff,

v.

CANON INC. AND CANON U.S.A., INC.,

Defendant.

CANON INC.,

Third-Party Plaintiff,

v.

NXP USA, INC.,

Third-Party Defendant.

6:20-cv-00980-ADA

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**DECLARATION OF RICHARD F. MARTINELLI IN SUPPORT OF CANON'S
MOTION FOR SUMMARY JUDGMENT THAT CANON IS LICENSED TO THE
ASSERTED PATENT UNDER THE BLUETOOTH PATENT AND COPYRIGHT
LICENSE AGREEMENT**

I, Richard F. Martinelli, declare under penalty of perjury pursuant to 28 U.S.C. § 1746 as follows:

1. I am a partner of the firm of Orrick, Herrington & Sutcliffe LLP (“Orrick”), attorneys for Defendants Canon Inc. and Canon U.S.A., Inc. (collectively, “Canon”). I make this declaration based on personal knowledge and, if called upon, could testify competently thereto. I submit this declaration in support of Canon’s Motion for Summary Judgement that Canon Is Licensed to the Asserted Patent Under the Bluetooth Patent and Copyright License Agreement.

2. Attached hereto as Exhibit 10¹ is a true and correct copy of search results on the Bluetooth Special Interest Group (“Bluetooth SIG”) Membership Directory for “Alcatel-Lucent” showing Alcatel-Lucent as an Adopter Member of Bluetooth SIG.

3. Attached hereto as Exhibit 11 is a true and correct copy of search results on the Bluetooth SIG Membership Directory for “Nokia” showing Nokia Corporation as a Promoter Member of Bluetooth SIG.

4. Attached hereto as Exhibit 12 is a true and correct copy of the Board of Directors webpage of Bluetooth SIG archived on the Wayback Machine on September 2, 2016 (available at: <http://web.archive.org/web/20160902094345/https://www.bluetooth.com/about-us/board-of-directors/>) and showing Shkumbin Hamiti as Nokia’s representative on the Bluetooth SIG Board of Directors.

5. Attached hereto as Exhibit 13 is a true and correct copy of the Board of Directors webpage of Bluetooth SIG archived on the Wayback Machine on January 30, 2017 (available at:

¹ Exhibits 1-9 are attached to the Declaration of Wataru Tachiwa ISO Canon’s Motion for Summary Judgment that Canon is Licensed to the Asserted Patent under the Bluetooth Patent and Copyright License Agreement.

<http://web.archive.org/web/20170130091505/https://www.bluetooth.com/about-us/board-of-directors/>) and showing Shkumbin Hamiti as Nokia's representative on the Bluetooth SIG Board of Directors.

6. Attached hereto as Exhibit 14 is a true and correct copy of the Board of Directors webpage of Bluetooth SIG (available at <https://www.bluetooth.com/about-us/board-of-directors/> and last visited on March 22, 2022) showing Shkumbin Hamiti as Nokia's current representative on the Bluetooth SIG Board of Directors.

7. Attached hereto as Exhibit 15 is a true and correct copy of the LinkedIn Profile of Shkumbin Hamiti (available at <https://www.linkedin.com/in/hamiti/> and last visited on March 22, 2022) showing Mr. Hamiti as Nokia's representative on the Bluetooth SIG Board of Directors from August 2011 to Present.

8. Attached hereto as Exhibit 16 is a true and correct copy of the current Bluetooth SIG Bylaws, last revised on May 17, 2019, and available at <https://www.bluetooth.com/about-us/governing-documents/>.

9. Attached as Exhibit 17 is a true and correct copy of documents related to Canon Inc.'s membership in the Bluetooth SIG, produced at CANON_980_00013050-114, and including the Bluetooth SIG Bylaws adopted February 20, 2001 at CANON_980_00013083-114.

10. Attached as Exhibit 18 is a true and correct copy of WSOU's Final Infringement Contentions served on March 14, 2022.

11. Attached as Exhibit 19 is a true and correct copy of an email from WSOU's counsel Bradley Lerman, with attached Discovery Dispute Chart, received on December 1, 2021.

12. Attached as Exhibit 20 is a true and correct copy of an April 27, 2021 letter from Richard F. Martinelli to counsel for WSOU.

13. Attached as Exhibit 21 is a true and correct copy of a June 15, 2021 letter from John Downing to counsel for Canon.

14. Attached as Exhibit 22 is a true and correct copy of a Membership Click Wrap Agreement produced by the Bluetooth SIG at BTSIG000174, showing Lucent Technologies accepting the Bluetooth SIG Membership Agreement.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on March 28, 2022

/s/ Richard F. Martinelli
Richard F. Martinelli